

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



April 14, 1999

ALL-COUNTY LETTER NO. 99-23

TO: ALL COUNTY WELFARE DIRECTORS  
ALL PUBLIC ADOPTION AGENCIES  
ALL CDSS ADOPTION DISTRICT OFFICES

**REASON FOR TRANSMITTAL**

- (X) State Law Change
- ( ) Federal Law or Regulation Change
- ( ) Court Order or Settlement Agreement
- ( ) Clarification Requested by One or More Counties
- ( ) Initiated by CDSS

SUBJECT: POST-ADOPTIVE SIBLING CONTACT ASSEMBLY BILL 2196

The purpose of this All County Letter (ACL) is to notify you of changes made to the Family Code (FC) and Welfare and Institutions Code (WIC) by the enactment of Assembly Bill (AB) 2196, Chapter 1072, Statutes of 1998. These changes concern arrangements for post-adoptive contact between the adopted child and his or her biological siblings who are living with a different family. These new statutes became effective January 1, 1999, and apply to all agency adoption proceedings for children who have been adjudged dependents of the juvenile court. These new provisions build into adoption proceedings considerations similar to those which underlie current laws governing public foster care placements, requiring that diligent efforts be made to maintain ongoing and frequent interaction among siblings who are living apart.

AB 2196 added WIC Section 366.29 to authorize the court, with the voluntary consent of the adopting parents, to include in the final adoption order provisions for the adoptive parents to facilitate post-adoptive sibling contact. This section also authorizes the adoptive parent to terminate ongoing sibling contact if he or she determines that it poses a threat to the health, safety or well being of the adopted child. Within ten days after terminating post-adoptive contact, the adoptive parent is required to notify the court, in writing, that contact has been terminated, and the reasons for termination.

AB 2196 also added subdivision (e) to WIC Section 16002. Subdivision (e) instructs public adoption agencies to encourage prospective adoptive parents to make a plan for facilitating post-adoptive contact between the child who is the subject of a petition for adoption and any siblings or half-siblings of that child. It prescribes the steps the public adoption agency must follow to facilitate ongoing sibling contact, unless the court, based on the recommendation and supportive documentation presented by the child welfare or public adoption agency, determines by a preponderance of the evidence that sibling interaction would be detrimental to the adopted child. Child welfare agencies are required by subdivision (f)(8) of WIC Section 16501.1 to include in the child welfare services case plan a recommendation concerning the suitability of unsupervised visitation between the child and the child's siblings. Because the Legislature clearly intended agencies to promote and facilitate on-going sibling contact, case plan recommendations that such

contact not occur must be supported by documentation establishing how such contact would be harmful or detrimental to the adoptee's or sibling's well being.

This new legislation makes it essential that public adoption agencies inform prospective adoptive parents of the importance of sibling relationships to the adopted child. In conjunction with acquainting prospective adoptive parents of the significance of sibling contact, agencies must provide counseling to each prospective adoptive parent on methods for maintaining post-adoptive sibling relationships.

The WIC Section 16002 (b) requires agencies to include provisions for ongoing and frequent sibling contact in the adoption case plan. To that end, agencies must identify, locate and gather information about the prospective adoptive child's siblings and half-siblings and provide prospective adoptive parents with this information. Addresses of siblings and half-siblings cannot be disclosed to prospective adoptive parents without judicial approval. However, agencies should recommend to the court that the information be disclosed in order to facilitate sibling contact, absent presentation of case record documentation which clearly demonstrates how such contact would be harmful or detrimental to the adoptee or sibling's well-being.

Under Family Code (FC) Section 8715, as amended, the agency's court report in an adoption proceeding for a child with birth siblings or half-siblings residing with another family must include whether or not the requirements of WIC Section 16002 (e) to motivate, inform, instruct and counsel the prospective adoptive parents regarding post-adoptive sibling contact have been completed. Agencies must also indicate the plan for facilitation of post-adoptive contact between the child who is the subject of the adoption petition and his or her siblings and half-siblings or provide documentation to the court supporting the agency's contention that such a plan for contact would be detrimental to the adoptee or siblings.

The CDSS will develop proposed regulations to assist public adoption agencies with implementing the provisions of AB 2196. Until those regulations are promulgated, all public adoption agencies are advised to familiarize themselves with the provisions of FC Section 8715 and WIC Sections 366.29 and 16002 (e), and to confer with juvenile court judges regarding compliance.

Any questions regarding this ACL should be addressed to the Adoptions Policy Bureau at (916) 322-4228, or e-mail to [Joe.Murray@dss.ca.gov](mailto:Joe.Murray@dss.ca.gov).

*Original signed by Marjorie Kelly  
on April 14, 1999*

MARJORIE KELLY  
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Children and Family Services Division

c: CWDA